REMARKS

Claims 7, 8, 10, 13, and 16-31, including new claims 18-31, are pending in this application. Claims 7, 13, 16, and 20 are in independent form. Currently no claims stand allowed.

Olson

The Office action rejects claims 1-15 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,311,209 to Olson et al. (*Olson*). *Olson* is directed to a system and method that permits networked application clients to operate on a shared set of common data, such as shared session data in a game application involving networked clients associated with game players. The *Olson* invention features a single central "host client." The host client initiates, manages and coordinates the application session, permitting application data to be shared and synchronized among the several clients. The single host arrangement permits the controlled entry of new clients or players in a manner that ensures that the new participants are provided with the same data as existing clients. Because session application data is replicated and stored at each individual client, host client duties can easily be "migrated" to any existing client in the session. *Olson*, col. 13, ll. 24-38.

Contrary to the assumption made in the Office action, the "host client" of *Olson* is not analogous to the "leader" of applicants' invention. The leader component of applicants' claims is more accurately and usefully described as a *currently-active* component. Of the several redundant components of a particular type in the system or network, the leader component "is the active instance, which responds to requests .... The other instances do not respond." Specification, p. 21. By contrast, the host client in *Olson* actually leads the other clients, coordinating their access to information and controlling their entry into a session. The leader

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component in applicants' claims may in general have no involvement with any of the other components with respect to which it is redundant, other than in the mutual exchange of leader-determining information, such as age information.

Moreover, applicants' claims are directed to systems and methods involving *weak* leader election, where "weak" indicates that a non-leader component does not know the identity of the leader. (See Specification, p. 21: "The approach is weak in that only the leader instance knows that it is the leader instance. Other instances only know that they are not the leader instance.") In *Olson*, however, the non-host clients necessarily gain knowledge of and communicate with the host client. For example, a client requests admission to an application session by way of communication with a particular host, *Olson*, col. 7, ll. 10-12, and a host client transmits current application data to a newly-admitted client, *id.* at col. 8, ll. 40-42.

Applicants' claims are also distinguished from and unanticipated by *Olson* in that they specifically concern an environment that includes a plurality of *redundant* instances or copies of a daemon or other component. The clients in *Olson* are not redundant with respect to one another; rather, they are distinct participants in an application session, such as players in a game. Each of applicants' independent claims, as amended herein, emphasizes the element of a weak leader election from among redundant system entities. Claim 7 is "a method for performance by a first redundant component" situated in "a distributed system including a plurality of redundant components." The system of claim 13 comprises "a plurality of redundant components" and "a leader component elected from the plurality of redundant components." New claim 20 is a method for electing a leader component in "a computer system including a plurality of redundant components."

For the reasons given above, *Olson* does not teach or suggest the elements of independent claims 7, 13, and 20. Therefore, applicants respectfully request that the rejections of these claims be withdrawn. Moreover, the claims depending from these independent claims are allowable for at least the same reasons, and applicants therefore respectfully request that the rejections of these claims be withdrawn.

Restriction Requirement

The Office action subjects the present application to a restriction requirement. The claims are classified by the Office action as belonging to two groups. Group I, comprising claims 1-15, is characterized as "cooperative computer processing," while Group II, comprising claims 16 and 17, is characterized as "computer network monitoring."

In a telephone conversation with Examiner Najjar on September 26, 2003, applicants' attorney John B. Conklin made a provisional election, with traverse, to prosecute the claims in Group I. Applicants affirm this provisional election of Group I, including the traverse of the restriction requirement. Applicants respectfully request reconsideration and withdrawal of the restriction requirement, and therefore applicants are not canceling claims 16 and 17 in this response.

Under M.P.E.P. § 803, restriction is inappropriate if the search and examination of the entire application can be made without serious burden. Search and examination directed to the two claims of Group II, comprising one independent claim and one claim depending from it, would not seriously burden the Office. The architecture of claim 16 includes as an element "at least one system management daemon having a plurality of redundant instances in which a leader instance among the plurality of redundant instances is elected by using a weak leader election approach." The determining of a leader from among a plurality of redundant entities within a

network or distributed system is a feature of the claims of Group I (including new claim 20, which applicants presume would be placed in Group I). The claims in Groups I and II therefore overlap significantly with respect to leader election. A search has been performed for the weak leader election of a leader from among a plurality of redundant entities, so there is no need for an additional search for that element of claim 16. Therefore, applicants respectfully request withdrawal of the restriction requirement and examination of claims 16 and 17.

CONCLUSION

The application is considered to be in good and proper form for allowance, and the

Examiner is respectfully requested to pass this application to issue.

If, in the opinion of the Examiner, a telephone conference would expedite the prosecution

of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

Richard E. Fontana, Reg. No. 52,902
One of the Attorneys for Applicants
LEYDIG, VOIT & MAYER, LTD.
Two Prudential Plaza, Suite 4900
180 North Stetson Avenue
Chicago, Illinois 60601-6780
(312) 616-5600 (telephone)
(312) 616-5700 (facsimile)

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